

July 7, 2023

VIA ELECTRONIC MAIL TO: mark.hewett@nngco.com

Mr. Mark Hewett
President and Chief Executive Officer
Northern Natural Gas Company
1111 South 103rd Street
Omaha, Nebraska 68124

Re: CPF No. 3-2023-009-NOPV

Dear Mr. Hewett:

Enclosed please find the Final Order issued in the above-referenced case. It makes a finding of violation, and finds that the civil penalty amount of \$75,200 has been paid in full. This case is now closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Mr. Gregory A. Ochs, Director, Central Region, Office of Pipeline Safety, PHMSA
Mr. Thomas Correll, Vice President of Pipeline Safety and Risk, Northern Natural Gas Company, thomas.correll@nngco.com
Mr. Brian J. Mundt, Vice President of Operations, Northern Natural Gas Company, brian.mundt@nngco.com

CONFIRMATION OF RECEIPT REQUESTED

**U.S. DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
OFFICE OF PIPELINE SAFETY
WASHINGTON, D.C. 20590**

In the Matter of	)	
	)	
	)	
Northern Natural Gas Company,	)	CPF No. 3-2023-009-NOPV
a subsidiary of Berkshire Hathaway	)	
Energy Company,	)	
	)	
Respondent.	)	
	)	

FINAL ORDER

On May 17, 2023, pursuant to 49 C.F.R. § 190.207, the Director, Central Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation and Proposed Civil Penalty¹ (Notice) to Northern Natural Gas Company (Respondent). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 192 and proposed a civil penalty of \$75,200. Respondent did not contest the allegation of violation and paid the proposed civil penalty on June 1, 2023.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulation listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 192.605(a) (**Item 4**) — Respondent failed to follow its operations and maintenance procedure 080.501 and observe surface conditions over its right-of-way when conducting aerial patrols of its pipeline system.

This finding of violation will be considered a prior offense in any subsequent enforcement action taken against Respondent. In accordance with 49 C.F.R. § 190.223, Respondent is assessed the proposed civil penalty amount of \$75,200, which Respondent has already paid in full.

Warning Items

With respect to Items 1, 2, 3 and 5, the Notice alleged probable violations of 49 C.F.R. §§ 192.467(c), 192.605(a), 192.605(a) and 192.917(c), respectively, but did not propose a civil

¹ The May 17, 2023, Notice was titled, “Notice of Probable Violation, Proposed Civil Penalty, and Proposed Compliance Order,” however, no compliance actions were proposed in the letter.

penalty or compliance order for these items. Therefore, these are considered to be warning items. If OPS finds a violation of any of these items in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

July 7, 2023

Alan K. Mayberry
Associate Administrator
for Pipeline Safety

Date Issued